

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Annual Reports for the Year Ended December 31, 2002, Filed by
Interexchange Carriers and Other Selected Entities on a Confidential Basis

RE: PSC Control Nos. 24046, 24047, 24051, 24052, 24077, and 25747

CONFIDENTIALITY DETERMINATION

On February 24, 2003, the Public Service Commission (Commission) issued a document entitled "Information Regarding Confidential Filings" concerning the 2002 Interexchange Carriers and Other Selected Alternative Telecommunications Utility-Other Telecommunications Provider Entities (ARW) annual report. The document detailed the filing process associated with the 2002 ARW annual report¹ as well as previous confidentiality rulings concerning ARW annual reports.²

On April 1 and May 15, 2003, AT&T Communications of Wisconsin I, LP (AT&T WI) (entity 265) submitted written applications seeking confidential treatment of certain information

¹ The February 24, 2003, document noted that the 2002 ARW annual report could be filed using one of two procedures: 1) File the entire report on a public basis using the annual report program's e-mail capabilities; or 2) Submit a request for confidential handling, in accordance with Wis. Admin. Code § PSC 2.12, in conjunction with a manual filing of the report. A manual filing consists of two completed Confidentiality Request forms, two notarized affidavits, confidential hard copy pages, a confidential diskette containing annual report program files, and a complete public version of the 2002 report, the latter which is posted on the Commission's web page.

² The document noted that, subsequent to the Commission's denial of confidentiality requests concerning information contained in the 2001 ARW annual report, a number of companies sought judicial review or filed a petition for reconsideration and stay of the Commission's determination. The Commission voluntarily stayed its determination pending the outcome of those court cases, which are still pending in the Dane County Circuit Court, and/or any subsequent related Commission action.

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in its 2002 ARW annual report. The information is filed under document PSC control numbers 24077 and 25747.³

On April 1 and 29, 2003, MCI WorldCom Network Services, Inc. (MCI WCOM Network) (entity 3258) submitted written applications seeking confidential treatment of certain information in its 2002 ARW annual report. The information is filed under document PSC control numbers 24046, 24047, 24051, and 24052.⁴

In particular, both companies seek confidential treatment for the Calculation of Assessable Revenues for Remainder and Telephone Relay Assessment Purposes and Wisconsin Gross Intrastate Operating Telecommunications Service Revenue⁵ information on lines 1-5 and 6, respectively, on page 6 of their respective 2002 ARW annual reports. For the reasons stated herein, confidential treatment for the above specifically identified data is **GRANTED** on a provisional basis, without consideration of the merits of the arguments of either AT&T WI or MCI WCOM Network contained in respective affidavits accompanying the 2002 ARW annual reports, based on the current pending status of related court cases.

The Commission has the authority to compel the submittal of this information pursuant to Wis. Stat. § 196.499 or other applicable provisions of Wis. Stat. ch. 196. This confidentiality determination is made pursuant to Wis. Admin. Code § PSC 2.12.

AT&T WI and MCI WCOM Network are interexchange carriers (IXCs) which are required to file an ARW annual report with the Commission. The statutory filing date for the ARW annual report covering 2002 calendar year operations was April 1, 2003; eight IXCs and other selected entities were required to file, and have filed, this report for the 2002 calendar year.

³ Confidentiality Request Nos. 25747 (April 1, 2003) and 24077 (May 15, 2003).

⁴ Confidentiality Request Nos. 24046 and 24047 (April 1, 2003) and 24051 and 24052 (April 29, 2003).

⁵ This data is used to determine assessable revenues for intrastate universal service fund (USF) assessment purposes.

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Confidential treatment of Calculation of Assessable Revenues for Remainder and Telephone Relay Assessment Purposes and Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information in AT&T WI and MCI WCOM Network's 2002 ARW annual reports is **granted** on a provisional basis. Trade secret status for such information under Wis. Stat. §§ 19.36(5) and 134.90(1)(c), as claimed by both companies, is likewise **granted** on a provisional basis.

Pursuant to its jurisdiction under Wis. Stat. §§ 196.02(1), 196.14, and other provisions of Wis. Stat. ch. 196 and Wis. Stat. §§ 19.32-.39, as may be pertinent hereto, the Commission grants provisional confidential treatment to AT&T WI and MCI WCOM Network's Calculation of Assessable Revenues for Remainder and Telephone Relay Assessment Purposes and Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information contained in their 2002 ARW annual reports. This action will maintain the status quo and avoid unnecessary litigation, pending the outcome of any related court cases and Commission action.

This confidentiality determination is not a final determination under the Public Records law; it is the Commission's decision for purposes of managing its files. This confidentiality determination does not prejudice the right of any person to submit a public records request to inspect the contents of the filings subject to this determination.

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This order is effective upon mailing.

Dated at Madison, Wisconsin, 8 July 2003

For the Commission:



Gary A. Evenson
Acting Administrator
Telecommunications Division

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See attached Notice of Appeal Rights

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Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 9/28/98